

Oral Report Summary Outline¹
Intercollegiate Athletics Institutional Investigation
EV2017051021

1. Introduction

- a. Thank you for your participation in the UCIRO process.
 - The purpose of this meeting is to discuss UCIRO's findings and conclusions in the institutional investigation conducted by this office. This is your opportunity to hear the outcome of the investigation in which you participated. You are welcome to ask me questions at any time, and I will do my best to respond.
- b. **Initial contact and opening of file:** On November 15, 2017, Director of Athletics Jennifer Cohen submitted a request to UCIRO for an Institutional investigation after learning of allegations that Roy Shick sexually harassed a [REDACTED] [REDACTED] Ms. Cohen asked UCIRO to investigate these allegations to determine whether Mr. Shick violated Executive Order No. 31, Executive Order No. 54, or the Department of Intercollegiate Athletics' Amorous Relationship Policy.
- c. **My Role:**
 - Neutral fact-finder. Not advocating on anyone's behalf. No stake in the outcome. Goal to learn the facts and dynamics involved in the complained of actions and, based upon these findings, evaluate the facts to determine whether or not any UW policies were violated and/or whether inappropriate conduct occurred warranting immediate follow-up and corrective action. The Department is the ultimate decision-maker in what, if any, actions may occur in follow-up to the investigation's findings and conclusions.
- d. **Applicable Policies:**
 - *APS 46.3* (UW's Complaint Resolution Policy)
 - *Executive Order No. 31* (UW's Non-discrimination Policy).
 - Prohibits discrimination and harassment on the basis of sex, among other things.
 - Any employee who violates any aspect of the policy is subject to corrective or disciplinary action, including, but not limited to, termination of employment.
 - In this policy, the UW also reserves the right to discipline or take appropriate corrective action for "any conduct that is deemed unacceptable or inappropriate regardless of whether the conduct rises to the level of unlawful discrimination, harassment or retaliation."
 - *Executive Order No. 54* (UW's Employee-Student Romantic Relationship Policy).
 - Prohibits employees from engaging in romantic relationships with students that create an actual or perceived conflict of interest.

¹ This document is intended to be a summary of UCIRO's findings and conclusions. It is not inclusive of the UCIRO file which contains a complete record of the investigation.

- Any employee who violates this policy may be subject to corrective or disciplinary action, including, but not limited to, termination of employment.
- *Amorous Relationship Policy*
 - Prohibits amorous relationships between athletics department staff and student-athletes.
 - Any staff member in the athletics department who violates the policy will be subject to disciplinary action, which may include termination of employment.

2. Investigation background

- a. **Witnesses:** 29 witnesses were interviewed as part of this investigation. Mr. Shick did not participate in the investigation.
- b. **Non-Retaliation:** All witnesses were advised that the University prohibits retaliation against all who participate in the UCIRO process.
- c. **Documents:** UCIRO requested, received, and reviewed documents relevant to the scope of the investigation.
- d. **Standard of Review:** Preponderance of the evidence; more likely than not.
- e. **No further internal appeal** to this determination. All opportunities to exercise rights are external to the University.

3. Scope of Investigation

a. Background:

- On September 18, 2017, UCIRO investigators Samantha Funk and Ian Messerle had a teleconference with an anonymous student athlete and Dr. Cassie Pasquariello, a sports psychologist in Intercollegiate Athletics. They shared a hypothetical in which a [REDACTED] experienced unwanted sexual contact by a University employee during an evening [REDACTED] event and inquired what a UCIRO investigation of this conduct would look like. The student athlete specifically asked whether UCIRO investigations are public, suggesting concern about others learning of her complaint.
- On October 30, 2017, [REDACTED] the anonymous student athlete from the prior call, came to UCIRO and shared her experience in detail during intake meeting with Ian Messerle and Samantha Funk. After the meeting, UCIRO drafted a summary of [REDACTED] allegations and asked her to confirm whether she wanted to move forward with her complaint by November 16, 2017.
- On November 10, 2017, after hearing allegations that Mr. Shick sexually harassed a [REDACTED] working in Intercollegiate Athletics, Ms. Cohen requested that UCIRO initiate an institutional investigation into the allegations.
- On November 16, 2017, after learning Intercollegiate Athletics requested an institutional investigation related to her allegations, [REDACTED] informed UCIRO via phone that she did not want to move forward with an individual complaint.

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b. Specific Allegations as Stated by [REDACTED]

- In her interview with the investigator, [REDACTED] described a social event in early May 2017 on a boat for the Tyee Club team in which she and other colleagues drank alcohol and were intoxicated. [REDACTED] called the night “blurry,” but she remembered the main events. She noticed Mr. Shick was always flirtatious, but he was more direct that night. While they were on the boat, he put his hand on her leg. She moved her leg away.
- [REDACTED] and Mr. Shick left the boat at different times. When Ms. [REDACTED] returned to campus, she used the restroom in Dempsey and then headed toward the volleyball locker room because she was too drunk to drive. As she was walking, Mr. Shick pulled up in his truck and offered to give her a ride.
- [REDACTED] got into Mr. Shick’s truck, and he drove behind the baseball fields and parked, which [REDACTED] thought this was weird. They talked, and then Mr. Shick kissed [REDACTED]. He pulled her to the back of his truck and initiated other sexual contact. [REDACTED] did not say anything. She felt like she froze, and said she closed her eyes and tried to go somewhere else mentally. Mr. Shick removed her spandex shorts and pulled his own pants down. He asked [REDACTED] to perform oral sex, and she shook her head no. Mr. Shick touched [REDACTED]’s breasts and penetrated her vagina with his fingers and penis. He did not use a condom and did not ask [REDACTED] about birth control. Afterward, Mr. Shick pulled [REDACTED]’s spandex and his pants back up, moved to the front seat, and started his truck. Throughout this encounter, Mr. Shick did not ask [REDACTED] if she wanted to engage in a sexual encounter. When the investigator asked, [REDACTED] said this was definitely something she did not want to do.
- Mr. Shick drove [REDACTED] back to her truck and told her to kiss him before she left. [REDACTED] still felt like she could not drive, and she went to the locker room. She slept there that night, missing a house meeting she had scheduled with her roommates. She attended a training practice the following morning but did not go to her [REDACTED] interacted with Mr. Shick at work and work social events for about a month after this incident. At one work event, he winked at her. At a work happy hour, he blew a kiss in her direction. [REDACTED] over the summer but decided against it because she did not want to see Mr. Shick.

4. Factual Findings: Overall, the observations of witnesses, phone records, and [REDACTED] credibility support the allegations.

a. On May 4, 2017, there was a Tyee Club happy hour on a staff member’s boat, an annual event for the group before opening day. [REDACTED] consumed alcohol, and she was intoxicated.

- The boat was on the log boom, so people shuttled out there on a dingy from the dock at the Waterfront Activities Center between 3:00 and 4:00 pm.
- Most witnesses recalled having beer and margaritas on the boat, as well as Jell-O shots from a neighboring boat, but they gave conflicting reports of how much people drank. Many witnesses said they did not notice anyone drinking too much or appearing intoxicated. Others said people drank more than usual or had

a lot to drink. [REDACTED] recalled drinking three margaritas, two Jell-O shots, a pull of hard alcohol, and a little bit of wine. Two witnesses also thought [REDACTED] had two Jell-O shots. One staff member described [REDACTED] as "noticeably drunk," but she also mentioned knowing that [REDACTED] did not drink often. Although many witnesses reported not noticing whether Ms. [REDACTED] was intoxicated, no one stated that she was sober.

- No one reported witnessing inappropriate or flirtatious behavior on the boat, including leg touching or anything similar. One staff member assumed during his interview that the investigation was about Mr. Shick and [REDACTED] because he saw them talking alone inside of the boat when everyone else was outside. He recalled it felt weird in the moment, but he did not think about it again until hearing Mr. Shick was on administrative leave. This staff member did not observe them touching or sitting close on the boat.
- Mr. Shick left of the first shuttle around 6:00 pm. It was pouring rain. When they got to the dock, Mr. Shick jumped into his colleague's car because she was parked down near the dock. She drove Mr. Shick to his truck in parking lot E9. They sat in her car awhile longer to discuss work events the following day. Mr. Shick then got out of her car, and she went home. She assumed he got into his truck and drove home, but she did not see. This colleague has worked with Mr. Shick a long time, and she said she would have driven him home if she felt like he drank too much.
- [REDACTED] left on the second shuttle, likely between 6:45 and 7:00 pm.

b. After returning from the boat, [REDACTED] and Mr. Shick were alone in his truck. Ms. [REDACTED] did not return home that evening. She did not attend work the following day.

- The husband of a staff member who was on the second shuttle with Ms. [REDACTED] took the light rail to UW to drive his wife home. He recalled meeting his wife, [REDACTED] and a staff member near Dempsey. He described the group as intoxicated, but he did not notice whether [REDACTED] was as drunk as the others because she is a goofy, quieter person. He recalled that her eyes were glazed over and she was laughing, leading him to conclude she definitely was not sober. He recalled [REDACTED] stating she was going to duck into the volleyball locker room and parting ways from the group. The others went to Graves to grab their belongings.
- After Graves, the staff member and her husband went to parking lot E9 and got into their car. It was still light out. As the husband was backing out, Mr. Shick's truck was right behind them, preventing them from backing out. The husband saw [REDACTED] get into Mr. Shick's truck. He assumed Mr. Shick was giving her a ride home. Mr. Shick waved to them, and then he drove away. The husband was 80% sure Mr. Shick drove north out of E9 toward the baseball field. He and his wife drove the other way.
- Mr. Shick does not respond to UW emails between 3:05 pm and 9:17 pm.
- [REDACTED] had a house meeting scheduled with her roommates that evening, which she did not attend. Her roommates called and texted [REDACTED] repeatedly, and she did not respond, which one of her roommates described as uncharacteristic of [REDACTED]. One of her roommates waited for Ms. [REDACTED] until around 10:00 pm, but did not see her. They had practice

together the next morning at 7 am, and this roommate did not see [REDACTED] at the house that morning. The roommate recalled that [REDACTED] seemed different, distraught, and uninterested at practice, and so she did not ask why [REDACTED] missed the house meeting.

- [REDACTED] did not go to work the next day. She texted her supervisor that morning to ask if she could attend [REDACTED]

c. Mr. Shick and [REDACTED] engaged in sexual contact in his truck, including sexual intercourse.

- Mr. Shick did not provide his recollection of events in his truck that evening, but his subsequent conduct suggests there was a sexual encounter. On Tuesday, October 3, 2017, Dr. Pasquariello informed two Intercollegiate Athletics administrators, separately, of a “hypothetical” incident involving an unwanted sexual encounter between a person in a position of power and a student athlete. One of the administrators immediately informed the Director of Athletics, who mentioned the situation to Mr. Shick within one or two days. The Director of Athletics recalled describing the situation to Mr. Shick as “abuse,” but she could not recall whether she used the term “sexual abuse.” Others in Intercollegiate Athletics senior leadership were discussing the hypothetical that week.
 - [REDACTED] phone records indicate that Mr. Shick called her just past midnight on Sunday, October 8, and they spoke for 8 minutes.
 - At 1:05 AM, [REDACTED] sent a text message to Dr. Pasquariello, stating: “Roy just called about some situation that resembles mine and his.” According to [REDACTED] Mr. Shick said he heard a situation about a hookup between a student athlete and staff member that gave him the spooks. He asked [REDACTED] whether she discussed it with Dr. Pasquariello.
- [REDACTED]’s account of precisely what happened in the truck that night is extremely credible given contemporaneous and consistent conversations she had with peers, the level of specificity she provided to UCIRO, the lack of apparent motive to fabricate, and her presentation and demeanor throughout the UCIRO process. Within the next two or three months, [REDACTED] disclosed to three people that Mr. Shick initiated sexual intercourse in his truck that night. Each of these people described a similar disclosure. [REDACTED] was embarrassed, distraught, and hesitant to share details of what happened or with whom it happened. Two of the witnesses had to ask whether they had sexual intercourse. Her disclosure to UCIRO was similar. In her own words, she had trouble saying more than, “he kept going all the way.” When the investigator asked specifically about the sexual contact, however, [REDACTED] provided specific statements regarding comments made, how her body was positioned, etc. She was visibly upset while answering these questions.

d. The sexual contact was not welcomed by [REDACTED] According to [REDACTED] she definitely did not want to engage in sexual acts with Mr. Shick. Since the incident, she has felt angry, confused, alone, and had trouble interacting with her family (who does not know about the incident). Within days of the event, [REDACTED] reached out to Dr. Pasquariello for help.

- Some of [REDACTED]’s close friends noticed these changes:

- On May 5, 2017, [REDACTED] went to her best friend's house after practice. Her best friend immediately noticed she was off and asked twice what was wrong. Over the next month, [REDACTED] spent most nights at her best friend's house. Her friend did not understand why she didn't go home but knew something was wrong. In July, after Ms. [REDACTED] returned to [REDACTED] she told her best friend she had something to tell her but needed to do it in person. They met in August, and [REDACTED] cried and could not get words out. She eventually was able to say that she was sexually assaulted by someone in the athletic department. She could not say everything that happened. This friend talked at length about how she's noticed this impacting Ms. [REDACTED] including troubles with family and irritability.
 - Between May 7 and 9, 2017, [REDACTED] had an extended weekend program with her [REDACTED]. A close friend in the program noticed [REDACTED] was quiet and standoffish, as opposed to her usual outgoing self. Near the end of the session, [REDACTED] confided in this friend that she participated in sex acts with Mr. Shick and had not eaten in three days because she felt so bad. This friend observed that Ms. [REDACTED] was not well. He said it was like she could not make sense of what happened.
 - Between May and August 2017, [REDACTED] disclosed having a sexual encounter with Mr. Shick to five people. All of these people recalled her describing the incident as inappropriate, against her values, and something she did not want. The people she confided in within days of the event recalled Ms. [REDACTED] blaming herself for what happened, but they also reported follow up conversations in which [REDACTED] said this was not what she wanted or felt like Mr. Shick was unethical.
 - There is no apparent motive for [REDACTED] to fabricate an unwelcome sexual encounter. [REDACTED] was hesitant about reporting the event, first speaking anonymously to UCIRO on September 18, 2017 in order to understand, among other things, whether an investigation would be public.
 - Witnesses also stated she was hesitant to report the event. They all cited similar reasons: concerns about publicity, fear of her family finding out, and guilt about the impact it would have on Mr. Shick's wife and kids.
 - The request for counseling funds does not support a motive to fabricate the allegations. According to [REDACTED] the request was made so she could see a therapist in Southern California. The budget from that therapist for eight weekly sessions was \$1950. [REDACTED] ended up attending eleven sessions for a total cost of \$2655.
- e. Mr. Shick's behavior toward [REDACTED] over the course of her [REDACTED] and other female staff members illustrates a factual context in which the allegations might occur.
- [REDACTED] reported that Mr. Shick behaved flirtatiously throughout her [REDACTED] talking to her more than the other [REDACTED] and calling her out at the gym. She specifically identified an evening in November 2016 when the Tyee team went bowling on Capitol Hill, stating that Mr. Shick sat by her and

asked her a ton of questions through the night. Mr. Shick gave [REDACTED] and another female staff member a ride back to campus that evening, and Ms. [REDACTED] thought the female staff member said something to Mr. Shick in relation to his interactions with [REDACTED] like, "you need to be careful."

- A witness in a dating relationship with [REDACTED] recalled her referring to Mr. Shick as a "creep" during her [REDACTED] prior to the incident on May 4, 2017. The witness remembered [REDACTED] mentioning that Mr. Shick did something that made her uncomfortable when they carpooling.
- The female staff member that rode back to campus with Mr. Shick and Ms. [REDACTED] after the bowling event did not recall specifically stating, "You need to be careful," but she reported feeling concerned that night. Significantly, she remembered thinking she should not let [REDACTED] ride with them but ultimately felt it was okay because they dropped [REDACTED] off first. The staff member could not point to a specific event from the evening that made her feel that way. She explained this was her perspective because she knew Mr. Shick could be flirtatious, she heard from a previous intern that Roy asked for the intern's number, and she had a confusing but not necessarily unwelcome relationship with Mr. Shick when he was not at the University.
- The previous intern identified by this staff member confirmed that Mr. Shick asked for her phone number on one of her last days of work. He also pointed out a sunburn on her chest, and other times she felt he was looking at her body. When the investigator reached out to her, she assumed right away the questions would be about Mr. Shick. Her internship was several years ago, and she said her memory of his inappropriate behavior faded. In general, she recalled sexual remarks or comments that were a little much or over the line.
- After her first interview with the investigator, another staff member reported noticing that Mr. Shick paid extra attention to [REDACTED]

5. Conclusions

- a. There is sufficient evidence to support a finding that Mr. Shick's behavior amounted to sexual harassment of [REDACTED] in violation of Executive Order 31. Harassment is conduct directed at a person because of the person's race, color, creed, religion, national origin, citizenship, sex, pregnancy, age, marital status, sexual orientation, gender identity or expression, disability, or veteran status that is unwelcome and sufficiently severe, persistent, or pervasive that: (1) It could reasonably be expected to create an intimidating, hostile, or offensive work or learning environment, or (2) It has the purpose or effect of unreasonably interfering with an individual's work or academic performance.
 - Mr. Shick directed his conduct at [REDACTED] because of her sex and gender identity.
 - A single incident of sexual intercourse without a person's consent is sufficiently severe to violate Executive Order 31. Also, after the unwelcome sexual intercourse, Mr. Shick persisted in contacting [REDACTED] in ways that she did not invite or welcome: (1) blowing a kiss to her at a Happy Hour, (2) winking to her at a University event, and (3) texting and calling her cell phone to ask whether she told anyone about their sexual encounter.

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- Third, Mr. Shick's conduct could reasonably be expected to create an intimidating, hostile, and offensive work environment, and did in fact do so for [REDACTED]. She did not attend work the next day. She decided against coaching volleyball at the University over the summer to avoid seeing Mr. Shick. [REDACTED] has suffered emotionally and socially as a result of this conduct.

- Although Mr. Shick's behavior likely violated the spirit of the Athletics Department's Amorous Relationship Policy, it did not actually violate the policy because of the definition of "amorous relationship," which is defined as a consensual romantic, sexual or dating relationship, and this sexual encounter was not consensual. If I concluded the sexual contact was consensual, the behavior would have violated the policy.
- There is sufficient evidence to support a finding that Mr. Shick's behavior violated Executive Order 54. [REDACTED] was a University student as defined under the policy at the time of the event. Mr. Shick oversaw the department in which she was a [REDACTED]. [REDACTED] His objectivity and decision-making in this professional role had the potential to be compromised because of his romantic relationship (which is defined to include sexual encounters) with [REDACTED]. Mr. Shick was in the position to provide career recommendations or references for [REDACTED] that could have been enormously influential to her career. Also, in his leadership of the Tyee Club, Mr. Shick was in a position to make decisions that may affect [REDACTED]'s access to internship work experiences or opportunities.

6. Next Steps

- Confidentiality** – Once UCIRO file is administratively closed, file is subject to public disclosure pursuant to state disclosure laws and requests for all or portions of the file may be directed to the UW's Public Records Office for processing. They decide what is or is not turned over based upon the scope of the request, and relevant laws.
- Delivery of Closing Notices** – Closing Notices will be delivered to the department and Mr. Shick. UCIRO recommends offering a report out meeting to Mr. Shick and [REDACTED].
- Questions/Feedback regarding the Process**